

UPN0003-100

PATENT

REMARKS

The Examiner required Applicant to elect one of 10 allegedly patentably distinct inventions for examination. Group I, encompassing claims 1-9, 19-in-part (as it pertains to the peptide)-22, 26-28, 53-54, 56-57, and 55 "drawn to a pharmaceutical composition, classified in class 530, subclass 300." Group II, encompassing claims 10-18, 19-in-part (as it pertains to the nucleic acid), 23-25, 26, 29-32, 53-54, 56-57 and 58-60 "drawn to a pharmaceutical composition comprising the nucleic acid/vector, classified in class 435, subclass 6. Group III encompassing claims 33-39, "drawn to a methods of treatment of heart disease or stroke or blood vessel blockage, classified in class 514, subclass 2+." Group IV encompassing claims 40-52, "drawn to a method of identifying compounds that modulate binding of Ang-1 to ECM, classified in class 435, subclass 7.1. Group V encompassing claims 61-62, "drawn to a method of treating an individual having cancer using the DNA, classified in class 435, subclass 44." Group VI, encompassing claim 63, is said to be "drawn to a method of preventing diabetes, classified in class 514, subclass 12." Group VII, encompassing claims 64-66 and 75-77, is said to be "drawn to a fusion protein, classified in class 424, subclass 192.1" Group VIII, encompassing claims 67-68, is said to be "drawn to a method of diagnosing, classified in class 435, subclass 6+." Group IX, encompassing claims 69-74 is said to be "drawn to a method of inhibiting, classified in class 435, subclass 7.2" Group X, encompassing claims 78-80, is said to be "drawn to a nucleic acids, classified in class 536, subclasses 23.1." Applicant respectfully traverses and request reconsideration of the Restriction Requirement.

Applicant provisionally elects herein Group I.

The Examiner also alleges that Applicant is required to elect one sequence for examination and that it is not an election of species since each of the "compounds is not a member of a single genus." (Office Action, page 3). Applicants provisionally elect SEQ ID NO: 1 solely for the purpose of complying with the Examiner's requirement.

Applications respectfully request that the Examiner reconsider the election as an election of species for the purposes of claim 1 and SEQ ID NOs: 1-4. The sequences of

UPN0003-100

PATENT

SEQ ID NOs:1-4 are members of a single genus. The genus is defined as "an ECM-binding fragment of Ang-1." SEQ ID NOs:1-4 comprise amino acid sequences that are fragments of Ang-1 and are capable of binding to the extracellular matrix (ECM). Accordingly, the sequences are all members of a single genus and should be examined as such.

Conclusion

The examination of these claims and passage to allowance are respectfully requested. An early Notice of Allowance is therefore earnestly solicited. Applicants invite the Examiner to contact the undersigned at 215.665.5592 to clarify any unresolved issues raised by this response.

Respectfully submitted,



Mark DeLuca
Registration No. 33,229

Date: April 11, 2006

COZEN O'CONNOR
1900 Market Street
Philadelphia, PA 19103
Telephone: 215.665.5592
Facsimile: 215.701.2100